



US Army Corps
of Engineers

Detroit District

Public Notice

Applicant: Robert Wiley, St. Clair County Drain Commissioner

In Reply Refer To: Corps File No. LRE-2010-00436-10
MDNRE File No. 10-74-0044-P

Date: August 31, 2010
Expires: September 20, 2010

Proposed daylighting of Pelton Drain outlet in Lake St. Clair at Anchorville, Michigan

Applicant: Robert Wiley, St. Clair County Drain Commissioner, 21 Airport Drive, St. Clair, Michigan 48079

Project Location: Pelton Drain south of intersection of Church Road and Highway M-29, Anchorville, St. Clair County, Michigan.

Federal Authority: The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

State Authority: Section 401 of the Clean Water Act requires that all discharges of dredged or fill material must be certified by the State as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the State of Michigan Department of Natural Resources and Environment (MDNRE), Land and Water Management Division and constitutes its public notice as required by Section 401 of the Act. Coastal Zone Management Certification (or waiver thereof) is required from the State of Michigan if this proposed activity would occur within the designated coastal zone.

Project Description: The first phase of this project involves removing and replacing approximately 164 feet of 72-inch diameter buried corrugated steel pipe that is failing immediately south of Highway M-29. A new 164-foot long, 72-inch diameter corrugated steel pipe will be installed and connected to the existing upstream and downstream pipes. A temporary connection will be used on the downstream end to contain flows during the second phase of construction. This portion of the project is not under the jurisdiction of the Corps of Engineers.

The second phase of this project involves work within the Corps of Engineers' jurisdiction. As shown on the attached plans, the applicant proposes to remove approximately 150 feet of pipe from 164 feet south of Highway M-29 to Lake St. Clair and replace it with a 20-foot wide x 10-foot deep open channel. The purpose of this project is to address the failure of the existing pipe.

1. Approximately 70 feet of turbidity curtain would be installed in Lake St. Clair across the width of the proposed channel opening and waterward of associated riprap discharge. Silt fence would also be installed around the perimeter of the project.
2. Approximately 1,441 cubic yards of soil would be excavated from an approximate 150-foot x 29-foot upland area immediately landward of the existing bulkhead to the following depths: The center 20 feet of the channel will be excavated to approximately 0.35 feet below the Low Water Datum (LWD) of 572.3 feet International Great Lakes Datum 1985 at the waterward end of the channel and 0.83 feet above the LWD at the landward end of channel. The remaining perimeter of the excavated channel will be excavated to approximately 1.85 feet below the LWD at the waterward end of the channel and 0.67 feet below the LWD at the landward end of channel. Approximately 1,371 cubic yards would be excavated immediately, while the existing 72-inch diameter pipe and approximately 56 cubic yards of soil beneath it would be removed later. Excavated soil would be placed directly into dump trucks and hauled to the proposed upland disposal site.
3. Approximately 439 cubic yards of precast concrete modular blocks filled with washed 6A stone would be discharged in an approximate 320-foot x 3.7-foot area forming a retaining wall around the perimeter of the newly created channel.
4. Nonwoven geotextile would be installed on the landward side of the retaining wall. Approximately 59 cubic yards of soil would be discharged in the approximate 320-foot x 0.5-foot area landward of the new retaining wall and geotextile.
5. Using a large excavator, approximately 28 linear feet of steel bulkhead on Lake Saint Clair at the existing pipe outlet would be removed to unblock the proposed open channel outlet.
6. Ten-foot return walls would be installed on both the east and west sides of the proposed channel at the Lake Saint Clair end.
7. Using a large excavator, the existing 72-inch corrugated steel pipe would be removed from the new channel.
8. The final excavation of the new channel would be completed with the removal of the remaining 56 cubic yards of soil from an approximate 150-foot x 10-foot area in the center of the channel bottom.
9. Approximately 56 cubic yards of washed 6A stone and/or river stone would be discharged in the approximate 150-foot x 10-foot area in the center of the channel bottom.

10. Approximately 100 cubic yards of crushed limestone riprap would be discharged in an approximate 5-foot x 350-foot area waterward of the retaining wall and existing bulkhead.

Avoidance & Minimization: The applicant has stated the following concerning avoidance and minimization to Waters of the United States: “The proposed construction sequence is intended to avoid and minimize impacts to Lake Saint Clair and improve the Pelton Drain watercourse. The existing steel seawall bulkhead and existing pipe enclosure of Pelton Drain will be left in place through most of the channel construction to capture sediment and divert drain flows until most of the excavation and retaining wall has been completed. A floating turbidity curtain will remain across the entire Lake Saint Clair end of the project area from start to finish of construction to capture sediments passing beyond the existing seawall.”

The Corps has not verified the adequacy of the applicant’s avoidance and minimization statement at this time.

Compensatory Mitigation: The applicant has stated the following concerning compensatory mitigation for unavoidable impacts to Waters of the United States: Mitigation is not necessary or appropriate for the proposed work because: “The proposed project will not eliminate waters of the United States, but increase and improve them. The project area is entirely upland covered by mowed lawn. 150 lineal feet of the currently enclosed county drain will be opened (“day lighted”) at the outlet to Lake Saint Clair, resulting in a 20-foot wide open channel with restored natural habitat. This will increase habitat for fish (spawning and nursery grounds) and other wildlife along the lakeshore, and improve access for fish that reproduce in upstream sections of the Pelton Drain. The proposed gravel bed in the channel bottom, and riprap along the side slopes and existing seawall, will improve the aquatic and shoreline habitat by providing better substrate for aquatic macroinvertebrates, decreasing suspended sediments, and moderating side slopes for wildlife access.”

The Corps has not verified the adequacy of this mitigation proposal at this time.

Other Authorizations:

The applicant has either received or requested the following governmental authorization:

Michigan Department of Natural Resources and Environment (MDNRE)-Natural Resources and Environmental Protection Act, 1994 PA 451, Part 301 Inland Lakes and Streams and Part 325 Great Lake Submerged Lands

Comments: We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-332. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number LRE-2010-00436-10 (10-74-44). We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

Wally Gauthier
Chief, Permit Evaluation Eastern Branch
Regulatory Office
Detroit District, Corps of Engineers
477 Michigan Avenue
Detroit, Michigan 48226-2550

Comments may be e-mailed to: becky.a.otto@usace.army.mil, but must include a name and mailing address.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Evaluation: The decision whether to issue the Department of the Army permit will be based on evaluation of the probable impact of the proposed activity on the public interest. These decisions will reflect the national concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments

are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This activity involves the discharge of dredged or fill material into waters of the United States. Therefore, the U.S. Army Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator of the Federal Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act.

Endangered Species: We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

Cultural Resources: The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places.

There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property.

The District Engineer invites responses to this Public Notice from federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

Additional Information: Questions concerning this application may be directed to Becky Otto at the Corps of Engineers address listed above, or telephone number (313) 226-3001.

FOR THE DISTRICT ENGINEER:

Wally Gauthier
Chief, Permit Evaluation Eastern Branch
Regulatory Office

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.